

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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LIFE IS GOOD, INC.,
Plaintiff

v.

LG ELECTRONICS U.S.A., INC.
and LG INFOCOMM U.S.A., INC.
Defendants

U.S. DISTRICT COURT
DISTRICT OF MASS.

C.A. No. 04-11290-REK

JOINT STATEMENT PURSUANT TO LR 16.1(D)

Pursuant to LR 16.1(D), the parties submit the following joint statement:

I. Matters to be Discussed at Scheduling Conference

1. Plaintiff's pending motion for expedited discovery schedule
2. Discovery plan
3. Schedule for filing motions

II. Joint Discovery Plan

The parties have communicated and have been unable to agree on a discovery schedule.

Therefore, the plaintiff and defendants each provide a proposed discovery schedule:

A. Plaintiff's Proposed Discovery Schedule

1. Initial Disclosures exchanged no later than November 8, 2004;
2. All non-expert discovery completed no later than February 7, 2005;
3. Expert witness designations and reports pursuant to Fed.R.Civ.P. 26(a)(2) by party with the burden of proof on a particular issue served no later than February 21, 2005;
4. Expert witness designations and reports pursuant to Fed.R.Civ.P. 26(a)(2) by party without the burden of proof on a particular issue served no later than March 7, 2005;
5. Expert depositions completed no later than March 21, 2005.

The plaintiff anticipates compliance with the limitations on discovery established by Local Rule 26.1(c).

B. Defendants' Proposed Discovery Schedule

1. Initial Disclosures exchanged no later than November 9, 2004;
2. All non-expert discovery completed no later than June 26, 2005;
3. Expert witness designations and reports pursuant to Fed.R.Civ.P. 26(a)(2) by party with the burden of proof on a particular issue served no later than July 26, 2005;
4. Expert witness designations and reports pursuant to Fed.R.Civ.P. 26(a)(2) by party without the burden of proof on a particular issue served no later than August 26, 2005;
5. Expert depositions completed no later than September 26, 2005.

The defendants anticipate compliance with the limitations on discovery established by Local Rule 26.1(c), with one exception. Specifically, LG will likely need to take additional depositions from third parties for the purpose of authenticating their use of trademarks and/or descriptors that are identical or similar to the alleged mark asserted by Plaintiff—LIFE IS GOOD.

III. Proposed Schedule for Filing Motions

The parties have communicated and have been unable to agree on a schedule for the filing of motions. Therefore, the plaintiff and defendants each provide a proposed schedule for the filing of motions:

A. Plaintiff's Proposed Schedule for the Filing of Motions

1. All motions to amend pleadings and/or join parties filed no later than November 1, 2004;

2. All dispositive motions filed no later than March 21, 2005.

B. Defendants' Proposed Schedule for the Filing of Motions

1. All motions to amend pleadings and/or join parties filed no later than February 9, 2005;

2. All dispositive motions filed no later than October 26, 2005.

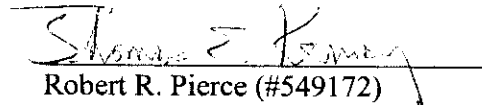
IV. Trial By Magistrate Judge

At this time, the parties have not decided whether to consent to trial before a Magistrate Judge.

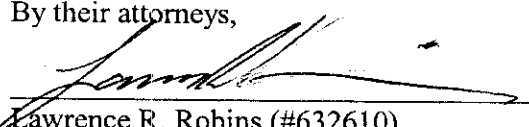
V. Certifications Signed By Counsel and Client

Certifications pursuant to LR 16.1(D)(3) will be filed separately with the Court.

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